UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,901	04/27/2001	Scott R. Shell	50037.20USU1	9891

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EXAMINER
HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/843,901	SHELL ET AL.
	Examiner	Art Unit	
	Matthew T Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 April 2001_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 April 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _1/23/2003_.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

This action is in response to the communication filed on 04/27/2001.

DETAILED ACTION

1.   Claims 1-28 have been examined.

Title

2.   The title of the invention is acceptable.

Priority

3.   The application has been filed under Title 35 U.S.C §119, claiming priority

to US Provisional Application 60/269,737, filed February 16, 2001.

4.   The effective filing date for the subject matter defined in the pending

claims in this application is February 16, 2001.

Information Disclosure Statement

5.   The information disclosure statement (IDS) submitted on 1/23/2003 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is

considering the information disclosure statement.

Drawings

6.   The drawings filed on 04/27/2001 are acceptable for examination

proceedings.

Specification

7.   Applicant is reminded of the proper language and format for an abstract of
the disclosure.

>   *The abstract should be in narrative form and generally limited to a single
> paragraph on a separate sheet within the range of 50 to 150 words. It is
> important that the abstract not exceed 150 words in length since the space
> provided for the abstract on the computer tape used by the printer is limited. The
> form and legal phraseology often used in patent claims, such as "means" and
> "said," should be avoided. The abstract should describe the disclosure*

sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8.　　The abstract of the disclosure is objected to because

Line 1:　The phrase "Described is" can be implied and therefore must be

removed.

Correction is required.　See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

9.　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.　Claims 14-19, and 21-24 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

11.　Claims 14-19 claim dependence to "the computer-implemented method of

claim 13", but claim 13 is directed to a "computer readable medium". The

ordinary person skilled in the art would be unable to determine whether these

claims cover a method or a medium, and therefore would be unable to determine

the scope of the claims. Therefore, claims 14-19 are rejected for failing to

particularly pointing out and distinctly claim the subject matter which applicant

regards as the invention.

12.　Claim 21 recites the limitation "the second data structure" in line 3. There

is insufficient antecedent basis for this limitation in the claim. The examiner, for

purposes of searching art, will assume the limitation is referring to the received

message. Claims 22-24 are rejected by virtue of their dependency to claim 21.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> *A person shall be entitled to a patent unless –*
>
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

14.   Claims 1-7, and 13-19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Austin (US Patent Number 6,259,908).

15.   Claim 1 recites a computer-implemented method for maintaining

configuration information on a mobile device (See Austin Abstract and Figure 1),

comprising: receiving a message including a request associated with

configuration information stored on the mobile device (See Austin Fig. 5 Step

504); associating a security role with the received message (See Austin Fig. 5

Step 518); determining at least one configuration setting within the configuration

information affected by the received message (See Austin Col. 10 Paragraph 2);

comparing the security role with a security privilege associated with the at least

one configuration setting (See Austin Figure 5 Step 522 and Col. 12 Paragraph

2); and if the security role is in agreement with the security privilege associated

with the at least one configuration setting, processing the request associated with

the configuration information (See Austin Figure 5 Step 524 and Col. 12

Paragraph 3).

16.   Claim 2 recites that associating the security role with the received

message comprises assigning a particular security role based on a source of the

message (See Austin Col. 12 Lines 10-23).

17.   Claim 3 recites that the source of the message is identified from

information within the message (See Austin Col. 12 Paragraph 2 wherein the

source of the message is revealed through the matching of the key received in

the message).

18.   Claim 4 recites that the information within the message includes a shared

key that identifies the source of the message (See Austin Col. 12 Paragraph 2).

19.   Claim 5 recites that the processing the request associated with the

configuration information further comprises comparing the security role with

another security privilege associated with a configuration service provider, the

configuration service provider being responsible for managing the configuration

information stored on the mobile device (See Austin Summary of the Invention

Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

20.   Claim 6 recites that if the security role is not in agreement with the other

security privilege, the request is not processed (See Austin Col. 12 Paragraph 3).

21.   Claim 7 recites that if the security role is in agreement with the security privilege associated with the at least one configuration setting and with the other security privilege associated with the configuration service provider, the configuration service provider processes the request by accessing the configuration information (See Austin Col. 12 Paragraph 3).

22.   Claim 13 recites a computer-readable medium having computer-executable instructions for maintaining configuration information on a mobile device, comprising: receiving a configuration message including an instruction associated with a configuration setting stored on the mobile device; associating a security role with the instruction; comparing the security role of the instruction with a security role associated with the configuration setting stored on the mobile device; and if the security role of the instruction is in agreement with the security role of the configuration setting, processing the instruction (See Austin Abstract, Col. 7 Paragraph 4, and rejection of claim 1 above, wherein the message is a request instruction).

23.   Claim 14 is rejected for the same reasons as claim 2 above.

24.   Claim 15 is rejected for the same reasons as claim 3 above.

25.   Claim 16 is rejected for the same reasons as claim 4 above.

26.   Claim 17 is rejected for the same reasons as claim 5 above.

27.   Claim 18 is rejected for the same reasons as claim 6 above.

28.   Claim 19 is rejected for the same reasons as claim 7 above.

29.   Claims 20, and 25-28 are rejected under 35 U.S.C. 102(e) as being

anticipated by Win et al. (US Patent Number 6,161,139) hereinafter referred to as

Win.

30.   Claim 20 recites a computer-readable medium within a mobile device,

comprising: a data structure associated with a configuration setting and a

configuration service provider (See Win Table 1 and Col. 16 Paragraph 3), the

configuration setting being associated with a software component resident on the

mobile device (See Win Col. 26 Paragraph 4 and Col. 12 Paragraph 5), the

configuration service provider being responsible for maintaining the configuration

setting (See Win Col. 13 Paragraph 2) wherein the data structure comprises a

first field including a security role associated with the configuration setting, the

security role of the configuration setting identifying a setting privilege which must

be had in order to access the configuration setting (See Win Table 1

Administrative Privilege Levels); and a second field including a security role

associated with the configuration service provider, the security role of the

configuration service provider identifying a provider privilege which must be had

in order to make use of the configuration service provider (See Win Table 1

Function Rows).

31.   Claim 25 recites that the first field further comprises a policy field that

identifies the configuration setting as a policy setting (See Win Table 1 wherein it

was inherent that because the settings were in the table, they were identified as

policy settings).

32.   Claim 26 recites that the policy setting can only be modified by an instruction generated by a particular source (See Win Table 1 which showed that only certain sources can modify settings).

33.   Claim 27 recites that the particular source includes administrative privileges (See Win Table 1 Administrative Privilege Level).

34.   Claim 28 recites that the policy setting may only be modified locally (See Win Col. 15 Paragraph 6 and Fig. 1 Element 114).

Claim Rejections - 35 USC § 103

35.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

36.   Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin, and further in view of Rogers et al. (US Patent Number 6,301,484) hereinafter referred to as Rogers.

37.   Regarding claim 8, Austin disclosed a computer-readable medium having computer-executable components for managing security on a mobile device (See Austin Abstract and Col. 7 Paragraph 4), comprising: a stored setting having an assigned security role that identifies a privilege that an entity attempting to access the stored setting must satisfy in order to access the stored setting (See

Austin Col. 7 Paragraph 3 – Col. 7 Paragraph 3 and Fig. 2 Elements 56 and 58);

a router configured to receive a configuration message over a wireless

communication link (See Austin Fig. 2 Element 46), the configuration message

including an instruction that affects a configuration setting (See Austin Col 10

Paragraphs 2-3); and a configuration manager (See Austin Fig. 2 Element 50)

configured to receive the configuration message from the router and to parse the

configuration message to identify the configuration setting affected by the

configuration message (See Austin Col. 10 Paragraph 2), the configuration

manager being further configured to compare security privileges associated with

the source of the configuration message to security roles assigned to

configuration settings stored on the mobile device (See Austin Figure 5 Step 522

and Col. 12 Paragraph 2), wherein if the configuration setting identified in the

configuration message identifies the stored setting, and wherein if the source of

the configuration message has sufficient privilege to access the stored setting,

the configuration manager causes the instruction that affects the configuration

setting to be processed (See Austin Figure 5 Step 524 and Col. 12 Paragraph 3).

However, Austin failed to disclose the router being further configured to identify a

source of the configuration message and to pass the configuration message to

other components of the mobile device.

Rogers teaches a method for recognizing configuration messages such

that only configuration messages are processed as such and all other messages

are processed as normal data messages (See Rogers Col. 5 Paragraphs 2-3).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Rogers to the configuration message system of Austin in order separate configuration messages from ordinary messages. This would have been obvious because the ordinary person skilled in the art would have been motivated to prevent attempts to alter the phone's configuration in the case when a normal message is received at the phone.

38. Claim 9 recites a configuration service provider configured to manage at least one configuration setting 18 stored on the mobile device, and wherein the processing of the instruction is performed by the configuration service provider (See Austin Summary of the Invention Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

39. Claim 10 recites that the configuration service provider has an assigned security role that identifies a privilege that must be associated with an instruction that affects a configuration setting which the configuration service provider maintains (See Austin Summary of the Invention Paragraphs 1-3 and Col. 12 Paragraphs 2-3).

40. Claim 11 recites that the configuration manager is further configured to determine if the instruction that affects the configuration setting is in agreement with the security role assigned to the configuration service provider that maintains the affected configuration setting, and if so, the configuration manager is further configured to pass the instruction to the configuration service provider to be handled (See Austin Figure 5 Step 524 and Col. 12 Paragraph 3).

41.   Claim 12 recites that the configuration service provider determines if the

instruction is in agreement with the security role assigned to the stored setting

prior to processing the instruction, and if not, terminating the processing of the

instruction (See Austin Figure 5 Steps 522, 524, and 526 and Col. 12 Paragraphs

2-3).

42.   Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Austin, and further in view of Win.

43.   Regarding claim 21, Austin disclosed a configuration message received

over a wireless communication link between a source of the configuration

message and the mobile device, the second data structure including an

instruction to access the configuration setting, the instruction having an

associated security role based on the source of the configuration message (See

rejection of Claim 1 above), but failed to disclose a data structure holding the

configuration access privileges in two fields as claimed in claim 20 above.

Win teaches that in order to allow for secure access to configuration

information, a group of roles is defined and each role is given privileges to certain

configuration information, and these roles are stored in a data structure (See

Rejection of Claim 20 above).

It would have been obvious to the ordinary person skilled in the art at the

time of invention to employ the teachings of Win in the configuration access

method of Austin by providing a data structure to hold the access information.

This would have been obvious because the ordinary person skilled in the art

would have been motivated to easily allow secure but flexible access to the configuration information of the cellular telephone.

44.   Claim 22 recites a configuration manager configured to cause the instruction to be processed if the security role of the instruction is in agreement with the security role of the configuration setting (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

45.   Claim 23 recites a configuration manager configured to cause the instruction to be processed if the security role of the instruction is in agreement with the security role of the configuration service provider (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

46.   Claim 24 recites a configuration manager configured to invoke the configuration service provider if the security role of the instruction is in agreement with the security role of the configuration service provider, the configuration service provider being further configured to process the instruction if the security role of the instruction is in agreement with the security role of the configuration setting (See Austin Col. 11 Paragraph 5 – Col. 12 Paragraph 3).

Conclusion

47.   Claims 1-28 have been rejected.

48.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

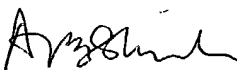   a.   Howarth (US Patent Number 5,274,824) disclosed a user key-ring for allowing access to locked processes.

b. Chang et al. (US Patent Number 6,223,028) disclosed a method for programming a mobile telephone over-the-air.

c. Austin et al. (US Patent Number 6,393,270) disclosed a method for over-the-air activation of a mobile phone.

d. Lee et al. (US Patent Number 6,741,851) disclosed a method for accessing data on a lost mobile terminal.

e. Link et al. (PCT WO 00/78085) disclosed a method for over-the-air programming of a wireless unit.

49. Please direct all inquiries concerning this communication to Matthew Henning whose telephone number is (703) 305-0713. The examiner can normally be reached Monday-Friday from 9am to 4pm, EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's acting supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The fax phone number for this group is (703) 305-3718.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Matthew Henning
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